

UNITED STATES DISTRICT COURT

for the

Southern District of Illinois

James Courtney

Case Number: 3:14-cv-01333-SMY-PMF
(Clerk's Office will provide)

Plaintiff/Petitioner(s)

v.

SGT. Todd Hempton, Kim
Cooter, Centralia Police
Dept. SGT Hempton & Kim
are being sued in their
official and individual
capacities.

☐ CIVIL RIGHTS COMPLAINT
pursuant to 42 U.S.C. §1983 (State Prisoner)
☐ CIVIL RIGHTS COMPLAINT
pursuant to 28 U.S.C. §1331 (Federal Prisoner)
☒ CIVIL COMPLAINT
pursuant to the Federal Tort Claims Act,
28 U.S.C. §§1346, 2671-2680, or other law

I. JURISDICTION

Plaintiff:

A. Plaintiff's mailing address, register number, and present place of confinement. James Courtney - 1306 Wescott
Mr Vernon, IL 62864

Defendant #1:

B. Defendant Kim Cooter is employed as

(a) (Name of First Defendant)

in charge of sex offender registration/Police records

(b) (Position/Title)

with Centralia Police Dept. 222 S. Poplar St.

(c) (Employer's Name and Address)

Centralia, IL 62801

At the time the claim(s) alleged this complaint arose, was Defendant #1 employed by the state, local, or federal government? ☒ Yes ☐ No

If your answer is YES, briefly explain: Kim is working
for the Centralia Police Dept in charge of sex
registration.

Defendant #2:

C. Defendant SGT. Todd Hempton is employed as

(Name of Second Defendant)

Police officer / SGT.

(Position/Title)

with Centralia Police Dept

(Employer's Name and Address)

At the time the claim(s) alleged in this complaint arose, was Defendant #2 employed by the state, local, or federal government? ☒ Yes ☐ No

If you answer is YES, briefly explain: SGT. Todd Hempton is employed as a Police officer at the Centralia Police Dept Centralia, IL

Additional Defendant(s) (if any):

D. Using the outline set forth above, identify any additional Defendant(s).

Centralia Police Dept. Kim and SGT. Todd Hempton are employed by the Centralia Police Dept.

II. PREVIOUS LAWSUITS

A. Have you begun any other lawsuits in state or federal court relating to your imprisonment? **I am not incarcerated** ☐ Yes ☒ No

B. If your answer to "A" is YES, describe each lawsuit in the space below. If there is more than one lawsuit, you must describe the additional lawsuits on another sheet of paper using the same outline. Failure to comply with this provision may result in summary denial of your complaint.

1. Parties to previous lawsuits:

Plaintiff(s): **James Courtney**

Defendant(s): **Sheriff Jerry A. Devore - Marion County Jail**

2. Court (if federal court, name of the district; if state court, name of the county): **United States District Court**

Southern District of Illinois - 7th Circuit Court

3. Docket number: **13-302-JPG** **of appeals**
7th Circuit No. 13-1984

4. Name of Judge to whom case was assigned:

5. Type of case (for example: Was it a habeas corpus or civil rights action?): **Civil rights action**

6. Disposition of case (for example: Was the case dismissed? Was it appealed? Is it still pending?): **Dismissed with prejudice for failure to state a claim upon which relief may be granted.**

yes it was appealed
yes - still pending

7. Approximate date of filing lawsuit: **3-25-13**

8. Approximate date of disposition: **4-17-13**

III. GRIEVANCE PROCEDURE ^{I am} ~~Not~~ in carcerated

- A. Is there a prisoner grievance procedure in the institution? ☐ Yes ☐ No
- B. Did you present the facts relating to your complaint in the prisoner grievance procedure? ☐ Yes ☐ No
- C. If your answer is YES,
1. What steps did you take?
2. What was the result?
- D. If your answer is NO, explain why not.
- E. If there is no prisoner grievance procedure in the institution, did you complain to prison authorities? ☐ Yes ☐ No
- F. If your answer is YES,
1. What steps did you take?
2. What was the result?
- G. If your answer is NO, explain why not.
- H. Attach copies of your request for an administrative remedy and any response you received. If you cannot do so, explain why not:

IV. STATEMENT OF CLAIM *I am not incarcerated*

- A. State here, as briefly as possible, when, where, how, and by whom you feel your constitutional rights were violated. Do not include legal arguments or citations. If you wish to present legal arguments or citations, file a separate memorandum of law. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. If your claims relate to prison disciplinary proceedings, attach copies of the disciplinary charges and any disciplinary hearing summary as exhibits. You should also attach any relevant, supporting documentation.

V. REQUEST FOR RELIEF

State exactly what you want this court to do for you. If you are a state or federal prisoner and seek relief which affects the fact or duration of your imprisonment (for example: illegal detention, restoration of good time, expungement of records, or parole), you must file your claim on a habeas corpus form, pursuant to 28 U.S.C. §§ 2241, 2254, or 2255. Copies of these forms are available from the clerk's office.

VI. JURY DEMAND (*check one box below*)

The plaintiff ☒ does ☐ does not request a trial by jury.

DECLARATION UNDER FEDERAL RULE OF CIVIL PROCEDURE 11

I certify to the best of my knowledge, information, and belief, that this complaint is in full compliance with Rule 11(a) and 11(b) of the Federal Rules of Civil Procedure. The undersigned also recognizes that failure to comply with Rule 11 may result in sanctions.

Signed on: 12-01-14
(date)

James Courtney
Signature of Plaintiff

1306 Wescott
Street Address

James Courtney
Printed Name

Mt. Vernon, IL 62864
City, State, Zip

Prisoner Register Number

Signature of Attorney (if any)